

REMARKS

Claims 50 and 61 are amended. Claim 61 is amended to correct a typographical error, and therefore, is not a narrowing amendment. Regarding the amendment language of claim 50, no new matter is added as the originally-filed application supports the amendment language at, for example, page 11. New claim 77 is added. Claims 50-77 are pending in the application.

The Examiner has objected to the disclosure because of informalities regarding the cross reference data. The data referred to has been updated and therefore this objection is rendered moot.

Claims 61-76 are allowed.

Claim 60 is objected to as being dependent upon a rejected base claim. New independent claim 77 is rewritten claim 60 to include the limitations of claim 50 (before the amendment of this response) from which claim 60 depends. Accordingly, new claim 77 is allowable.

Claims 50-57 stand rejected under 35 U.S.C. §102(e) as being anticipated by Yao et al., 6,048,775. Claims 50-53 and 58-59 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zheng et al. (5,728,621) in view of Yao et al.

Regarding the rejection against claim 50 as being anticipated by Yao, and as being obvious based on the combination of Zheng and Yao, such claim recites a lower layer comprises a stoichiometry the same as a stoichiometry of an upper layer. The Examiner correctly states Yao teaches a lower layer 24 of HDP-CVD oxide and an upper layer 40 of silicon nitride (pg. 2 of paper no.

033104). An oxide **does not** have the same stoichiometry as silicon nitride. Consequently, Yao fails to teach or suggest a lower layer comprising a stoichiometry the same as a stoichiometry of an upper layer as positively recited in claim 50.

The Examiner further correctly states Zheng teaches a lower layer 18 of HDP oxide and an upper layer 20 of an SOG (spin-on-glass) (pg. 4 of paper no. 033104) wherein Zheng further teaches that the SOG is a silicate or a siloxane material (col. 2, lns. 64-67). Exemplary definitions of silicate and siloxane can be found on www.yourdictionary.com which states:

silicate: 1. Any of numerous compounds containing silicon, oxygen, and one or more metals; a salt of silicic acid. 2. Any of a large group of minerals, forming over 90 percent of the earth's crust, that consist of SiO_2 or SiO_4 groupings combined with one or more metals and sometimes hydrogen.

siloxane: Any of a class of organic or inorganic chemical compounds of silicon, oxygen, and usually carbon and hydrogen, based on the structural unit R_2SiO , where R is an alkyl group, usually methyl.

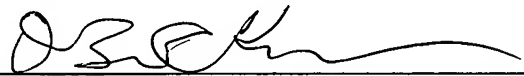
The above definitions demonstrate that oxide of lower layer 18 **does not** have the same stoichiometry as the upper layer 20 of silicate and siloxane. Consequently, Zheng fails to teach or suggest a lower layer comprising a stoichiometry the same as a stoichiometry of an upper layer as positively recited in claim 50. Since Yao and Zheng, singularly, fail to teach or suggest the positively recited limitation of claim 50, it is inconceivable that any combination of Yao and Zheng could teach or suggest such positively recited limitation of claim 50. Claim 50 is allowable.

Claims 51-60 depend from independent claim 50, and therefore, are allowable for the reasons discussed above with respect to the independent claim, as well as for their own recited features which are not shown or taught by the art of record.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

Dated: 6-30-04

By: 
D. Brent Kenady
Reg. No. 40, 045